

WILLKIE FARR & GALLAGHER

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January 16, 1989

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O: WMD ✓
CC: RF

FEDERAL EXPRESS

Mr. Valdaz V. Abamkus
Regional Administrator
U.S. Environmental Protection
Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Re: Taracorp Site, Granite City, Illinois

Dear Mr. Abamkus:

We have recently been informed that on January 10, 1989, USEPA released the draft preliminary feasibility study for the Taracorp site submitted by NL Industries in August, 1989. It is our understanding that the study included an addendum written by USEPA selecting Remedial Alternative H, which requires a 500 ppm lead clean up level for off-site remediation areas.

USEPA and IEPA's selection of a remedial alternative prior to NL's receipt of the USEPA comments required by Paragraph 17 of the Consent Order */ and prior to the conclusion of the dispute resolution process, clearly violates the terms of Consent Order governing the RI/FS process at this site. Such arbitrary and capricious disregard for NL's right to participate in the dispute resolution procedures required in the Consent Order is clearly unlawful and constitutes a breach of the Consent Order. Therefore, we strongly urge the agencies to reconsider their decision to release the draft preliminary feasibility study and to hold public meetings discussing the selected alternative before dispute resolution procedures have been concluded.

*/ NL has still not received a response to its November 10, 1989 comments submitted pursuant to Paragraph 16 of the Consent Order. A response was due within thirty calendar days of receipt of this submission, on or about December 14, 1989.

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EPA Region 5 Records Ctr.



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U. S. EPA REGION 5
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Mr. Valdaz V. Abamkus
January 16, 1990
Page Two

Please ensure that this letter is placed in the administrative record for the Taracorp site and made a part thereof.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven A. Tasher".

Steven A. Tasher
Counsel for NL Industries

cc: Steve Seigel, Esquire
Mr. Brad Bradley
Mr. Ken Miller